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Attorneys for United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 SALAMEH ISSA DABAI,)
17 Defendant.)
18 _____)

No. CR 3 - 05 - 71011 EDL

~~PROPOSED~~ SPEEDY TRIAL ORDER

21 WHEREAS, SALAMEH ISSA DABAI ("Dabai") is charged in a criminal complaint
22 with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection
23 Service;

24 WHEREAS, Dabai made his initial appearance on the aforesaid criminal complaint,
25 before the Honorable Joseph Spero, on January 30, 2006, and was released on a bond;

26 WHEREAS, the parties previously entered into a stipulation and order waiving time
27 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through July 28, 2006, in order
28 to provide for effective preparation of counsel;

SPEEDY TRIAL ORDER
[CR 3 05 71011 EDL]

1 WHEREAS, the government is agreeable to delaying indictment in order to provide
2 Dabai and his attorney the opportunity to review discovery, and where, since arrest preceded
3 indictment in this matter, it is unreasonable to expect return and filing of the indictment within
4 the period specified in section 3161(b), and further where it is in the defendant's best interest to
5 waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment
6 for a further three (3) weeks, through Friday, August 18, 2006;

7 THEREFORE, the parties agree and stipulate as follows:

- 8 1. Dabai hereby again waives his right to have a preliminary hearing conducted
9 within 20 days of his initial appearance while out of custody, pursuant to Rule
10 5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the
11 public's interest in the prompt disposition of criminal cases and for good cause
12 shown;
- 13 2. Dabai hereby again waives his right to have all of the charges contained in the
14 criminal complaint on which he made his initial appearance on January 30, 2006,
15 indicted within thirty days of his initial appearance, which including prior
16 exclusions of time, would be July 28, 2006, as required by 18 U.S.C. § 3161(b);
- 17 3. The government and Dabai hereby agree that any indictment by the government,
18 as to charges contained in the criminal complaint, must be filed no later than
19 August 18, 2006, pursuant to section 3161(h)(8)(B)(iii);
- 20 4. The government and Dabai hereby mutually agree that any preliminary hearing
21 and/or arraignment be held no later than August 18, 2006;

22 The undersigned parties, by and through their counsel, hereby agree and stipulate that
23 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section
24 3161(b) of the Speedy Trial Act shall remain in place until August 18, 2006, because this is a
25 case in which arrest preceded indictment, such that delay in the filing of the indictment is caused
26 because the arrest occurred at time that is unreasonable to expect return and filing of the
27 indictment as to all of the charges contained in the criminal complaint, within the period
28 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

Moreover, in light of defense counsel's ongoing efforts to review discovery provided by the government, such that good cause has been shown to continue the date for defendant's preliminary hearing taking into account the public's interest in the prompt disposition of criminal cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure effective preparation of counsel taking into account the exercise of due diligence, such that the ends of justice are served by granting this continuance outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

IT IS SO STIPULATED.

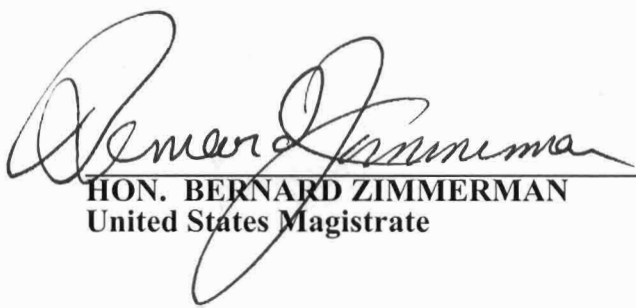

BRIAN GETZ
for Defendant Salameh Issa Dabai

KEVIN V. RYAN
United States Attorney


TIMOTHY LUCEY
Assistant United States Attorney

IT IS SO ORDERED.

Dated: 


HON. BERNARD ZIMMERMAN
United States Magistrate